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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

NO. CIV. S-05-772 LKK/KJM

Plaintiff,

v.

O R D E R

CONSTANCIO CU, JR., et al.,

Defendants.

_____/

On July 29, 2005, the court ordered counsel for both parties to show cause within ten days why sanctions should not be imposed for failure to timely file status reports. The court is in receipt of defendants' counsel's response to the order to show cause. He declares under penalty of perjury that plaintiffs never served a copy of the summons or complaint, and that they were never served with the court's scheduling order. Response at 2. The court is also in receipt of plaintiff's counsel's sanctions payment in the amount of Three-Hundred Dollars for his failure to appear at the hearing and for failure to file a status report.

Accordingly, the court hereby discharges the July 29, 2005 order to show cause as to both parties.

IT IS SO ORDERED.

DATED: August 16, 2005.

/s/Lawrence K. Karlton
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT